

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ALAN ANTOINE TOWNSEND,

Plaintiff,

v.

Civil Action No. 1:10CV123
(Judge Keeley)

M. ASUMAH, CHAD WESTFALL,
MR. MILTON, MS. CORBIN, MR. WEAVER,
U.S. DEPT. OF JUSTICE, FEDERAL
BUREAU OF PRISONS, AND U.S.
PENITENTIARY HAZELTON,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 22],
DISMISSING WITH PREJUDICE THE INSTITUTIONAL DEFENDANTS,
AND DIRECTING THAT PLAINTIFF'S CLAIMS PROCEED AGAINST
THE INDIVIDUAL DEFENDANTS

On March 18, 2011, the Honorable John S. Kaull, United States Magistrate Judge ("Magistrate Judge Kaull"), issued his Report and Recommendation ("R&R"), in which he recommended that the defendants, U.S. Department of Justice, Federal Bureau of Prisons, and U.S. Penitentiary - Hazelton ("institutional defendants"), be dismissed from this action, and that the claims of the plaintiff, Alan Antoine Townsend ("Townsend"), proceed against the individual defendants, M. Asumah, Chad Westfall, Mr. Milton, Ms. Corbin, and Mr. Weaver ("individual defendants"). On March 25, 2011, Townsend responded that he has no objection to these recommendations.

Pursuant to 28 U.S.C. § 636(b)(1), a party's failure to object to the recommendations of an R&R relieves the Court of any obligation to conduct a de novo review of those issues. See Thomas

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v. Arn, 474 U.S. 140 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-00 (4th Cir. 1997). Because no defendants have been served with Townsend's amended complaint, and given that Townsend has no objections to Magistrate Judge Kaull's R&R, the Court **ADOPTS** it in its entirety (dkt. no. 22), **DISMISSES WITH PREJUDICE** the institutional defendants, **ORDERS** that Townsend's claims **PROCEED** against the individual defendants, and **DIRECTS** the United States Marshal Service to serve the individual defendants with a summons and a copy of Townsend's amended complaint (dkt. no. 20).

It is so **ORDERED**.

The Court directs the Clerk to enter a separate judgment order in favor of the institutional defendants, and to transmit copies of both orders to counsel of record, all appropriate agencies, and the Honorable John S. Kaull, United States Magistrate Judge, and to mail copies to the pro se plaintiff, Alan Antoine Townsend, via certified mail, return receipt requested.

Dated: April 11, 2011.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE